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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

PATRICK SIMS,

Defendant.

Case No. 2:22-mj-00439-VCF

**Order to Continue Preliminary Hearing
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Bianca R. Pucci, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-Wittington, Assistant Federal Public Defender, counsel for Patrick Sims, that the preliminary hearing currently scheduled June 21, 2022 at 4:00 p.m., be vacated and set to a date and time convenient for this court but no earlier than 14 days.

The Stipulation is entered into for the following reasons:

1. The additional time requested herein is not sought for purposes of delay, but to permit counsel for the government to effectively determine if the case will be presented to the Grand Jury or if the case will proceed to preliminary hearing.
2. The defendant is out of custody and does not object to the continuance.

1 3. The parties agree to the continuance.

2 4. Denial of this request for continuance would waste limited judicial resources.

3 5. Additionally, denial of this request for continuance could result in a miscarriage of
4 justice. The additional time requested by this stipulation is excludable in computing the time
5 within which the preliminary hearing herein must commence pursuant to the Federal Rules of
6 Criminal Procedure 5.1(d), and the Speedy Trial Act, § 3161(h)(7)(A), considering the factors
7 under Title 18, United States Code §§ 3161(h)(7)(B)(i) and (iv).

8 This is the First Stipulation to continue filed herein.

9
10 DATED: June 10, 2022.

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12 RENE L. VALLADARES
13 Federal Public Defender

JASON M. FRIERSON
United States Attorney

14 */s/ Nisha Brooks-Whittington*

/s/ Bianca R. Pucci

15 By _____

By _____

16 NISHA BROOKS-WHITTINGTON
17 Assistant Federal Public Defender
Attorney for Patrick Sims

BIANCA R. PUCCI
Assistant United States Attorney

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

5. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excusable in computing the time within which the trial herein must commence pursuant to the Federal Rules of Criminal Procedure 5.1(d), and the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(i), (iv).

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be

1 likely to result in a miscarriage of justice.

2 The continuance sought herein is excusable under the Federal Rules of Criminal
3 Procedure 5.1(d), and the Speedy Trial Act, title 18, United States Code, Section § 3161
4 (h)(7)(A), when the considering the factors under Title 18, United States Code, §
5 3161(h)(7)(B)(i), (iv).

6 **ORDER**

7 **IT IS THEREFORE ORDERED** that the preliminary hearing is continued to July 5,
8 2022 at 4:00 pm in LV Courtroom 3D before Magistrate Judge Cam Ferenbach.

9 DATED this 13th day of June 2022.

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UNITES STATES MAGISTRATE JUDGE